

AMENDED IN SENATE JUNE 2, 2003  
AMENDED IN ASSEMBLY MAY 5, 2003  
AMENDED IN ASSEMBLY APRIL 22, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 557**

**Introduced by Assembly Member Lowenthal  
(Coauthor: Assembly Member Laird)**

February 18, 2003

---

---

An act to amend Section 21810 of, *and to add Section 21810.2 to*, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 557, as amended, Lowenthal. Vehicles: right-of-way: transit buses.

(1) Existing law, until January 1, 2004, requires the driver of a vehicle overtaking a transit bus to yield the right-of-way to the bus if (a) the transit bus has entirely exited an active traffic lane to board or deboard passengers at a designated bus stop, and is attempting to reenter the lane from which it exited; (b) directional signals on the transit bus are flashing to indicate that the bus is preparing to merge with traffic; and (c) the transit bus is equipped with a yield right-of-way sign, as specified, on the left rear of the bus. This requirement applies only in certain transit districts and only if the governing board of the district approves a resolution making the requirement applicable to the district.

This bill would ~~extend the January 1, 2004, repeal date until January 1, 2006~~ *delete the specified repeal date and would provide that the requirement applies to a transit operator, as defined, for which the*

*governing board of the operator has approved a resolution, after a public hearing on the issue, requesting that the requirement be made applicable to the transit operator, and has transmitted a copy of the resolution to the Commissioner of the California Highway Patrol.*

*The bill would authorize a governing board that has made these provisions applicable to a transit operator to “opt out” of the program by approving a resolution, after a public hearing on the issue, requesting that these provisions be made inapplicable to the transit operator, and transmitting a copy of the resolution to the commissioner.*

Because a violation of the specified requirement is a crime, the bill would establish a state-mandated local program by *expanding the scope* and extending the duration of that crime.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 21810 of the Vehicle Code is amended  
2 to read:

3 21810. (a) The driver of a vehicle overtaking a transit bus  
4 shall yield the right-of-way to the bus if all of the following  
5 conditions are present:

6 (1) The transit bus has entirely exited an active traffic lane to  
7 board or deboard passengers at a designated bus stop, and is  
8 attempting to reenter the lane from which it exited.

9 (2) Directional signals on the transit bus are flashing to indicate  
10 that the bus is preparing to merge with traffic.

11 (3) The transit bus is equipped with a yield right-of-way sign  
12 on the left rear of the bus. The sign shall be both of the following:

13 (A) Designed to warn a person operating a motor vehicle  
14 approaching the rear of the bus that the person is required to yield  
15 the right-of-way to the bus when the bus is entering traffic.



1 (B) Illuminated by a flashing light when the bus is signaling in  
2 preparation for entering a traffic lane after having stopped to  
3 receive or discharge passengers.

4 (b) Nothing in this section requires a transit agency to install the  
5 yield right-of-way sign described in paragraph (3) of subdivision  
6 (a).

7 (c) This section does not relieve the driver of a transit bus from  
8 the duty to drive the bus with due regard for the safety of all  
9 persons and property. Nothing in this section relieves the transit  
10 agency from complying with the standard of care for its passengers  
11 established by Section 2100 of the Civil Code.

12 ~~(d) This section is applicable to the Santa Cruz Metropolitan~~  
13 ~~Transit District, the Orange County Transportation Authority, the~~  
14 ~~Alameda-Contra Costa Transit District, and the Santa Clara~~  
15 ~~County Transit District, if the governing board of the district~~  
16 ~~approves a resolution, after a public hearing on the issue,~~  
17 ~~requesting that this section be made applicable to it, and transmits~~  
18 ~~a copy of the resolution to the commissioner.~~

19 ~~(e) (1) On or before December 31, 2002, the commissioner,~~  
20 ~~after consultation with the participating transit agencies,~~  
21 ~~participating law enforcement, and the advisory committee~~  
22 ~~established pursuant to paragraph (3) of subdivision (a) of Section~~  
23 ~~34501 of the Vehicle Code, shall report to the Legislature on the~~  
24 ~~effectiveness of the right-of-way for transit vehicles established by~~  
25 ~~this section, including, but not limited to, any impact on the~~  
26 ~~highway and local road safety and the efficiency of transit~~  
27 ~~operations. The report shall recommend whether or not the~~  
28 ~~right of way established by this section should be made~~  
29 ~~permanent on a local basis, and whether it would be effective if~~  
30 ~~implemented on a statewide basis.~~

31 ~~(2) The commissioner, in consultation with the participating~~  
32 ~~transit agencies, the California Transit Association, the advisory~~  
33 ~~committee, and the participating local law enforcement agencies,~~  
34 ~~shall identify the information required for preparation of the report~~  
35 ~~required under paragraph (1). This information may include, but~~  
36 ~~need not be limited to, all of the following:~~

37 ~~(A) The total number of traffic collisions causing fatalities or~~  
38 ~~injuries, and the number causing only property damage.~~

39 ~~(B) Traffic congestion issues.~~

40 ~~(C) Public opinion issues.~~

1 ~~(D) Efficiency of transit operations.~~

2 ~~(E) The public education program required under subdivision~~

3 ~~(f).~~

4 ~~(3) The commissioner may develop a format and schedule for~~  
5 ~~reporting the information identified under paragraph (2), and the~~  
6 ~~local law enforcement agencies, transit agencies, and the~~  
7 ~~California Transit Association shall provide the commissioner~~  
8 ~~with the information by using that format and in compliance with~~  
9 ~~that schedule.~~

10 ~~(f) Each transit agency~~

11 *(d) This section applies to a transit operator for which the*  
12 *governing board of the operator has approved a resolution, after*  
13 *a public hearing on the issue, requesting that this section be made*  
14 *applicable to the transit operator, and has transmitted a copy of the*  
15 *resolution to the commissioner.*

16 *(e) Each transit operator participating in the program shall*  
17 *undertake a public education program to inform motorists of the*  
18 *requirements imposed by this section.*

19 ~~(g)~~

20 *(f) The base fine for a violation of subdivision (a) is thirty-five*  
21 *dollars (\$35).*

22 ~~(h) This section shall remain in effect only until January 1,~~  
23 ~~2006, and as of that date is repealed, unless a later enacted statute~~  
24 ~~that is enacted before January 1, 2006, deletes or extends that date.~~

25 *(g) For the purposes of this section, a “transit operator” is any*  
26 *entity, including, but not limited to, a joint powers authority*  
27 *organized to provide public transportation services, that qualifies*  
28 *as a claimant, as defined in Section 99203 of the Public Utilities*  
29 *Code, and is eligible to receive allocations under Chapter 4*  
30 *(commencing with Section 99200) of Part 11 of Division 10 of the*  
31 *Public Utilities Code.*

32 *SEC. 2. Section 21810.2 is added to the Vehicle Code, to read:*

33 *21810.2. (a) A governing board of a transit operator that has*  
34 *made Section 21810 applicable to the transit operator by*  
35 *complying with subdivision (d) of that section may “opt out” of the*  
36 *program authorized under that section by approving a resolution,*  
37 *after a public hearing on the issue, requesting that Section 21810*  
38 *be made inapplicable to the transit operator, and transmitting a*  
39 *copy of the resolution to the commissioner.*

1     ***(b) Section 21810 does not apply to a transit operator for which***  
2     ***the commissioner receives the resolution described in subdivision***  
3     ***(a).***

4     ~~SEC. 2.~~

5     SEC. 3. No reimbursement is required by this act pursuant to  
6     Section 6 of Article XIII B of the California Constitution because  
7     the only costs that may be incurred by a local agency or school  
8     district will be incurred because this act creates a new crime or  
9     infraction, eliminates a crime or infraction, or changes the penalty  
10    for a crime or infraction, within the meaning of Section 17556 of  
11    the Government Code, or changes the definition of a crime within  
12    the meaning of Section 6 of Article XIII B of the California  
13    Constitution.

